IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5542 OF 2005
IN
CRI.APPEAL NO.798 OF 2005

Jai Prasad Ramanna Rai ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.S.N.Chimade Advocate for Applicant
Mr.B.H.Mehta A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 25, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Section 307 of IPC and sentenced to R.I. for ten years. The applicant has caused injuries to P.W.1 Satish Shetty.

3. The applicant was the Manager in the hotel of Satish Shetty. Witness Satish Shetty has clearly stated that the applicant came to him and assaulted him over his head and caused him injuries. This evidence is corroborated by Dr.Pathak i.e. P.W.8. P.W.8 Dr.Pathak stated that he found multiple CLWs over the scalp of various sizes and shapes. The learned advocate for the applicant has submitted that the injuries were not on vital part and hence, no case can be said to be made out under Section 307 of IPC. In support of this submission, he has placed reliance on the evidence of Dr.Pathak P.W.8, wherein Dr.Pathak has stated that when he examined the patient, he did not find damage to any vital part, however, Dr.Pathak himself has stated that he found multiple CLWs over the scalp of Satish Shetty of the various sizes and shapes. The evidence on record shows that Satish Shetty was treated at J.J.Hospital as an indoor patient for about 40 days. Looking to the injuries found by Dr.Pathak, it cannot be said that there was no damage to any vital part.

4. The learned advocate for the applicant further

submitted that recovery of weapon cannot be relied upon. Even assuming this is so, the evidence of P.W.1 Satish Shetty is sufficient to connect the applicant with the crime. Hence, I am not inclined to grant bail to the applicant though he was on bail pending trial.

5. Application is rejected.

[V.K.TAHILRAMANI,J.]